



W.P.No.46404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Sarthar Ali,
S/o.Jaffer Ali,
60/181, Kamarajar Nagar,
Opposite to Sathyamoorthy Nagar,
Sundarapuram,
Madukkarai Main Road,
Coimbatore.

.. Petitioner

Vs.

- 1.Sambantham,
Sub Inspector of Police,
Kottur Police Station,
Pollachi Police Sub Division,
Coimbatore District.
- 2.The Superintendent of Police,
District Police Office,
Coimbatore.
- 3.The Director General of Police,
DGP Office, Post Box No.601,
Dr.Radhakrishnan Road,
Mylapore, Chennai.



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4.The Registrar,
State Human Rights Commission,
143, P.S.Kumarasamy Raja Street,
Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the respondent-4 in SHRC Case No.7787/2020 and to quash the order dated 2.6.2025 and to direct the respondents 1 to 3 to grant compensation of Rs.25,00,000/- to petitioner along with 12% interest per annum from 4.11.2019 till realization.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)
for Respondents 2 and 3

ORDER

(Order of the Court was made by G.Arul Murugan, J.)

Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) for respondents 2 and 3.

2. The petitioner challenges the order of the State Human Rights Commission dated 02.06.2025 in SHRC Case No.7787 of 2020 and prays for grant of a higher compensation along with interest.



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3. It is the case of the petitioner that when he along with his two friends, rode on a two wheeler to visit Thenkaiparai River near Kottur in Pollachi Taluk on 04.11.2019, the first respondent police had acted in a negligent manner by giving a severe blow on his back with lathi, to stop them for vehicle checking. As he was hit, the vehicle dashed against a mini load vehicle that was stationed on the left side of the road and the petitioner along with his friends were thrown to the road. As a result of which, he sustained grievous injuries, including fracture in his left leg. He was taken to Medical College Hospital through Ambulance and thereafter admitted to One Care Hospital at Saibaba Colony. He was an inpatient from 04.11.2019 to 11.11.2019 and incurred medical expenses of Rs.4,00,000/-.

4. Based on the complaint, an FIR came to be registered against the first respondent police in Crime No.244 of 2019 on the file of Kottur Police Station for offence under Section 336 of IPC, charge sheet was filed and the case is pending in C.C.No.189 of 2020 on the file of the learned Judicial Magistrate No.II, Pollachi. The petitioner also filed a complaint before the State Human Rights Commission seeking to initiate departmental proceedings against the first respondent and for grant of compensation. The first respondent has filed a counter and



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disputed the claim. However, the Commission, by impugned order dated 02.06.2025, directed the Government to pay a compensation of Rs.3,00,000/- on vicarious liability, to the petitioner. Not satisfied, the petitioner has challenged the order of the Commission, seeking for a higher compensation.

5. Mr.M.Saravanakumar, learned counsel for the petitioner submitted that the accident occurred only due to the negligent act of the first respondent police and the petitioner sustained grievous injuries and there is a permanent disability in his left leg. Having found that the police had acted in a negligent manner and due to that occurrence, the petitioner sustained injuries, the order of the Commission in granting meagre compensation is not sustainable.

6. Per contra, Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) for respondents 2 and 3 contended that the petitioner's friend, who was a minor drove the two wheeler without any valid driving licence or insurance in violation of the rules. Having drove the two wheeler in breach of all regulations and involved in an accident, a false claim has been made by imputing allegations against the first respondent police. The Commission after noting the violations, had



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shifted the burden on the first respondent in granting compensation to the petitioner.

7. Heard the rival submissions and perused the materials available on record.

8. It is not in dispute that on 04.11.2019, the petitioner travelled in a two wheeler along with his two friends to visit Thenkaiparai River near Kottur in Pollachi Taluk. The petitioner met with an accident, as a result of which he was taken to hospital, where he had been operated upon for the injury he sustained in his left leg. It is the claim of the petitioner that the first respondent police acted in a negligent manner and hit the petitioner with lathi on his back, which resulted in the accident and due to the impact, the two wheeler dashed against the mini load vehicle parked on the left side of the road.

9. It is the categorical statement of the first respondent that the petitioner, was travelling in the two wheeler along with his friends in a rash and negligent manner. On finding the vehicle check, all of a sudden his friend tried to take U-turn and was not able to control the two wheeler, due to which they fell down and sustained injuries.



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10. In respect of the incident, on the complaint of the petitioner, a case in Crime No.244 of 2019 was filed against the first respondent and after filing the charge sheet, the case is pending in C.C.No.189 of 2020 on the file of the learned Judicial Magistrate No.II, Pollachi. Another case has also been registered against the petitioner and his friends in Crime No.245 of 2019 for offence under Section 353 of IPC, in which a charge sheet has been filed and the same is also pending before the Court. Before the Commission, the petitioner had sought to take disciplinary proceedings against the first respondent and claimed compensation.

11. The Commission in its order in paragraphs 13 & 15 had referred to the cross-examination of PW1 and PW2. The petitioner/PW1 had admitted that all 3 persons who travelled in the two wheeler did not wear helmets and his friend Mohammed Sanfar/PW2, who rode the two wheeler, did not have any valid driving licence and he was not 18 years of age. There was also no insurance for the two wheeler. It was also recorded that no certificate has been produced by the petitioner to prove that he sustained any such injury on his back. Further, PW2 also admitted that the two-wheeler does not



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belong to them and he did not possess any valid driving licence at the time of incident, he did not wear helmet at the time of occurrence and he did not submit any document to prove that he also got injured.

12. When it was for the petitioner to lead evidence to prove the claim made by him, the Commission in its order, after observing that from the evidence of PW1 and PW2, it reveals that 3 persons travelled in a two wheeler without valid driving license, without wearing helmets and also the vehicle was not having any insurance but however simply concluded that the accident took place only due to the assault made by the first respondent police. The Commission had only recorded that since the first respondent was not able to elicit any information from PW1 and PW2 in their cross-examination, their statements inspire confidence. The petitioner had only filed two FIR copies in Ex.P1 and Ex.P2 and the discharge summary and medical certificate in Ex.P3. There is no *iota* of material to prove that the first respondent police had hit the petitioner on his back with lathi, which resulted in the accident.

13. More particularly, when the Commission had elaborately recorded the cross-examination of PW1 and PW2 and had rendered a



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finding that the person who drove the two wheeler was a minor, did not possess valid driving licence and did not wear helmet and the vehicle also did not have any insurance, it is evident that the vehicle was driven in breach of all rules. Further after observing that there is no medical certificate to show that there is any injury caused on the back of the petitioner, still the Commission had proceeded to grant compensation by concluding that the accident occurred due to the negligent act of the first respondent police.

14. In the absence of any challenge to the impugned order by the respondents, we consciously refrain from commenting any further on the impugned order. The Commission had further come to such a conclusion only considering the fact that the first respondent was suspended and some proceeding was initiated. Even assuming so, a mere initiation of any proceedings cannot be a basis to allow the claim of the petitioner. Suffice to say that the claim of the petitioner for an enhanced compensation lacks merit and is not sustainable.



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15. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
08.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.Sambantham,
Sub Inspector of Police,
Kottur Police Station,
Pollachi Police Sub Division,
Coimbatore District.
- 2.The Superintendent of Police,
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